

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

CHARLIE WILL CLEMMONS,)	
Petitioner,)	Civil Action No. 2:14-cv-871
)	
v.)	
)	Magistrate Judge Susan Paradise Baxter
SUPERINTENDENT CAPOZA, <u>et al.</u> ,)	
Respondents.)	

OPINION AND ORDER

The Petitioner, Charlie Clemmons, is incarcerated in the State Correctional Institution located in Pittsburgh, Pennsylvania ("SCI Pittsburgh"). Before the Court is his petition for a writ of habeas corpus, which he has filed pursuant to 28 U.S.C. § 2254. [ECF No. 6]. In his petition, he is challenging his confinement, which is the result of the judgment of sentence imposed upon him on or around January 28, 1981, by the Court of Common Pleas of Dauphin County. SCI Pittsburgh is located within the territorial boundaries of this District. Dauphin County is located within the territorial boundaries of the United States District Court for the Middle District of Pennsylvania. 28 U.S.C. § 118.

When a state prisoner files a petition for a writ of habeas corpus in a state like Pennsylvania, that contains two or more Federal judicial districts,

the application may be filed in the district court for the district wherein such person is in custody or in the district court for the district within which the State court was held which convicted and sentenced him and each of such district courts shall have concurrent jurisdiction to entertain the application. **The district court for the district wherein such an application is filed in the exercise of its discretion and in furtherance of justice may transfer the application to the other district court for hearing and determination.**

28 U.S.C. § 2241(d) (emphasis added).

The Petitioner was tried, convicted, and sentenced in the Court of Common Pleas of Dauphin County and, therefore, most, if not all, of the relevant activity occurred within the Middle District of

Pennsylvania. In addition, the Middle District Court already has presided over at least one federal habeas proceeding filed by the Petitioner. Clemmons v. Supt. William J. Wolfe, No. 1:02-cv-561 (M.D. Pa.). Thus, this Court finds that the furtherance of justice, as well as the convenience of the parties, would be better served by transferring this case to the Middle District Court. This decision is in accordance with the agreed practice of the U.S. District Courts for the Eastern, Middle, and Western Districts of Pennsylvania, which is to transfer habeas petitions filed by state prisoners in their respective districts to the district in which the county where the judgment of sentence was had is located.

An appropriate Order follows.

Dated: October 27, 2014

/s/ Susan Paradise Baxter
SUSAN PARADISE BAXTER
United States Magistrate Judge

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ORDER

AND NOW, this 27th day of October, 2014;

IT IS HEREBY ORDERED that the Clerk of Court shall TRANSFER THIS CASE
FORTHWITH to the United States District Court for the Middle District of Pennsylvania.

/s/ Susan Paradise Baxter
SUSAN PARADISE BAXTER
United States Magistrate Judge